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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, DC 20554

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MAR 25 1996

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of )

Amendment of the Commission's Rules to Permit )  
Flexible Service Offerings in the Commercial )  
Mobile Radio Services )

WT Docket No. 96-6

**REPLY COMMENTS OF PCS PRIMECO, L.P.**

PCS PrimeCo, L.P. ("PrimeCo"), an A and B Block broadband PCS licensee,<sup>1</sup> hereby files the following limited reply comments in response to the Commission's *Notice of Proposed Rulemaking* in the above-captioned proceeding.<sup>2</sup> PrimeCo supports the Commission's efforts in this docket to remove existing uncertainty concerning what fixed services may be offered by Commercial Mobile Radio Service ("CMRS") providers, and on what terms. PrimeCo supports the majority of commenters that have recommended adoption of rules that would allow provision of fixed services on CMRS frequencies. PrimeCo urges the Commission to confirm in this proceeding that CMRS providers may offer a full range of fixed service applications. In addition, PrimeCo submits that such services should be regulated as CMRS. Providing such service flexibility will spur the development of networks and new service technologies and will facilitate increased competition.

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<sup>1</sup> PrimeCo is licensed or owns a majority ownership interest in the following MTAs: Chicago, Milwaukee, Richmond-Norfolk, Dallas-Ft. Worth, San Antonio, Houston, New Orleans-Baton Rouge, Jacksonville, Tampa-St. Petersburg-Orlando, Miami and Honolulu.

<sup>2</sup> *In the Matter of Amendment of the Commission's Rules to Permit Flexible Service Offerings in the Commercial Mobile Radio Services*, WT Docket No. 96-6, FCC 96-17 (released January 25, 1996) ("Notice").

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PrimeCo supports the Commission's tentative conclusion to allow PCS providers, as well as other CMRS carriers, to provide wireless local loop services.<sup>3</sup> Allowing wireless loop service will facilitate local exchange competition and promote the rapid deployment of multi-faceted networks. In this regard, PrimeCo agrees with the Commission that wireless local loop service is already authorized as a permitted PCS service. A minor modification to the Commission's rules to confirm that fixed wireless loop services are permitted using PCS spectrum is therefore appropriate. In the *Notice*, the Commission proposes to define "wireless local loop" service as the "path between the subscriber and the first of point of switching or aggregation of traffic."<sup>4</sup> PrimeCo supports this broad definition of wireless local loop and believes that it will encompass existing and future service needs of consumers.<sup>5</sup> Further, this broad definition will, as the Commission suggests, avoid confusion and uncertainty as to whether the contemplated uses are in fact permitted under the PCS authorization. This definition will, in turn, assist CMRS licensees in planning and marketing competitive wireless telecommunications networks.

The *Notice* also seeks comment on whether other fixed services should be permitted, in addition to wireless local loop service. In PrimeCo's view, the Commission should allow *all* fixed service applications by PCS providers, so long as mobile services

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<sup>3</sup> Thus, PrimeCo supports allowing paging, cellular and other CMRS providers to have greater service flexibility.

<sup>4</sup> *Notice* at ¶ 6.

<sup>5</sup> As recognized by the Commission, permitting wireless local loop services will serve the public by increasing local exchange competition and allowing wireless facilities to help provide service to "rural or less attractive areas otherwise not being adequately served by wireline providers." *Notice* at ¶ 5.

remain the primary service use for the spectrum.<sup>6</sup> PCS, defined as a mobile service under the Communications Act,<sup>7</sup> already has been authorized for the provision of a variety of mobile and fixed services, including “advanced digital cordless telephone service, portable facsimile services, wireless PBX services, and wireless local area network (LAN) services, among others.”<sup>8</sup> Further, the Commission has already authorized fixed services “ancillary” to mobile operations provided by PCS providers.<sup>9</sup> Thus, PrimeCo supports an express recognition by the Commission in this proceeding that a variety of fixed wireless applications are permitted services for CMRS licensees.<sup>10</sup> The list of permitted fixed services should include, without limitation, wireless PBX services, wireless local area network (“WLAN”), transmission of PCS network signaling information, links connecting PCS base stations and other network elements, links connecting users’ premises to PCS networks, location sensing and ranging applications, and telemetry applications. Customer needs and licensee innovation *alone* should dictate what fixed

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<sup>6</sup> PrimeCo further believes that no “hard and fast” rule defining primary use is required. So long as CMRS providers are offering interconnected commercial mobile service for profit to the public and meeting Commission-mandated build-out requirements, they should be able to offer fixed service applications utilizing excess capacity as they see fit — and as their customers require.

<sup>7</sup> 47 U.S.C. § 153(n).

<sup>8</sup> *Amendment of the Commission’s Rules to Establish New Personal Communications Services*, 8 FCC Rcd. 7700, 7712 (1993).

<sup>9</sup> 47 C.F.R. § 24.3. Similarly, cellular carriers are currently authorized to provide fixed services, as “incidental service” or as an “auxiliary common carrier service.” See 47 C.F.R. §§ 22.323, 22.901(d).

<sup>10</sup> In PrimeCo’s view, much of this proceeding is based on the need to provide greater clarity as to *existing* rules which clearly permit CMRS providers to provide fixed services. For this reason, PrimeCo agrees with Bell Atlantic NYNEX Mobile, Inc. that this proceeding can be easily concluded.

services develop.<sup>11</sup> There is ample spectrum for the provision of both mobile and fixed services by CMRS licensees, and the Commission's initial concerns about the availability of spectrum for mixed service applications has proven unfounded. Indeed, PrimeCo submits that the Commission should act to encourage this more efficient use of spectrum by licensees.

With respect to regulatory treatment of fixed services provided by PCS providers, PrimeCo submits that the service allocation — CMRS — should dictate the regulatory treatment. Thus, since PCS licensees have been allocated spectrum for commercial mobile services, on a primary basis, their provision of other fixed services should *not* be subject to different regulatory treatment. As noted above, PCS was classified as CMRS service despite the fact that Congress and this Commission anticipated — and authorized — fixed service applications. There is no reason for the Commission to change its regulatory approach to CMRS. The development of competitive networks and the provision of service to the public would be negatively affected by a decision to impose disparate regulatory treatment at this time.<sup>12</sup>

Finally, with respect to technical and operational requirements, PrimeCo submits that existing PCS rules provide necessary interference protection and do not require modification. In this regard, however, PrimeCo believes that technical requirements *must* remain in place in order to ensure the provision of reliable service to the

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<sup>11</sup> The fixed services cited by the Commission (wireless Internet access, electronic funds transfers, point-of-purchase credit card verification, and remote monitoring) should all be included as authorized fixed uses. *See Notice* at ¶ 22.

<sup>12</sup> PrimeCo also agrees with the Commission that universal service issues raised by the provision of fixed services by CMRS providers would be better resolved in other Commission proceedings. *See Notice* at ¶ 21.

public. The existing rules will minimize interference problems while providing CMRS carriers the necessary technical flexibility to develop and deploy a wide range of fixed and mobile services.<sup>13</sup>

In sum, PrimeCo supports the Commission's effort to facilitate local exchange and other competition by allowing CMRS providers the flexibility to use spectrum for both fixed and mobile purposes. Such freedom will allow CMRS providers to provide new and innovative services to customers without compromising existing and future mobile service applications.

Respectfully submitted,

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March 25, 1996

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<sup>13</sup> In addition to being unneeded, any "tightening" of the technical rules at this time would compromise ongoing PCS deployment efforts and require re-engineering of existing PCS equipment — needlessly.

## **CERTIFICATE OF SERVICE**

I, Jo-Ann Grayton, do hereby certify that copies of the foregoing "Reply Comments" were served this 25th day of March, 1996, by first class United States mail, postage prepaid, to the following:

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